

REMARKS

The Applicant thanks the Examiner for the careful consideration of this application. Claims 1-30 and 32-33 are currently pending. Claims 1, 12, 21, and 28 have been amended. Claim 31 has been canceled. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

In the Office Action on page 2, in section 2, claims 1, 2, 7, 8, 11, and 27-33 are rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Applicant respectfully traverses these rejections.

As per claim 1, the preamble of claim 1 has been amended to recite a “computer-implemented method.” As a computer-implemented method, claim 1 is a method tied to another statutory class of subject matter, namely an apparatus. See In re Comiskey, 499 F.3d 1365, 1379-1380 (Fed. Cir. 2007). Therefore amended claim 1 recites statutory subject matter under 35 U.S.C. § 101.

Claim 27 has been canceled.

Claim 28 recites computer readable program code means embodied on a computer usable medium. According to MPEP § 2106.01, “functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component,” and “when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” Here, claim 28 recites “a computer program product comprising a computer usable medium having computer readable program code means embodied therein, the computer readable program code means in said computer program product comprising means for causing a computer to...” The recited computer readable program is claimed as embodied in a computer usable medium and is, hence, structurally

and functionally interrelated to the medium. Thus, in accordance with MPEP § 2106.01, claim 28 is statutory under 35 U.S.C. § 101.

Claims 2, 7, 8, 11, and 29-33 and are statutory for at least depending on claim 1.

Rejections under 35 U.S.C. § 102

In the Office Action on page 3, section 4, claims 1 - 33 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Pub. No. 2003/0105815 (Gusler). Applicant respectfully traverses the rejection.

Initially it is noted that although the Action states that claims 29-33 have been rejected under 35 U.S.C. § 102(e), the Action does not contain a proper explanation for these rejections. Section 4.12 of the Action states that: "Per claims 12 - 33, the rejection of claims 1 - 11 under 35 USC 102(e) (paragraphs 4.1 - 4.12 above) applies." However, claims 29-33 are dependent on claim 1, and contain subject matter different from that in claims 1-11. Therefore, the rejection of claims 1-11 under 35 U.S.C. § 102(e) cannot be applied to claims 29-33. As such, in the case this application is not passed to allowance, Applicant respectfully asserts that no final action can be issued until claims 29-33 have been properly treated and the Applicant has had the opportunity to respond to any rejection, if made, of claims 29-33.

Claim 1 has been amended to incorporate the subject matter of claim 31. Claim 31 has been canceled, and the subject matter of claim 31 has been incorporated into independent claim 1. The present Action contains no rejection of claim 31. Applicant respectfully submits that the amended claim 1 is allowable over Gusler for at least the following reasons.

Gusler does not disclose or suggest "wherein the pattern recognition techniques and/or set of predetermined rules are dynamically updated." As noted above, the Office Action failed to provide any details of aligning claim 31 with Gusler. Nonetheless, although Gusler teaches rules used for contact pattern tracking or word and phrase matching, nowhere does Gusler mention the possibility of dynamically updating these rules (Gusler, paragraphs 44, 73). No provision is made in Gusler for any updating of the rules by which the transcript analysis device of Gusler operates (Gusler, paragraphs 71-73). There is no suggestion that the transcript analysis device may have its rules

updated dynamically, i.e., in response to the results of performing transcript analysis (Gusler, paragraphs 71-73). Hence, Gusler fails to teach “wherein the pattern recognition techniques and/or set of predetermine rules are dynamically updated.” Therefore, amended claim 1 is allowable over Gusler.

Claim 2-10 are allowable for at least being dependent on allowable claim 1.

Claims 12, 21, and 28 have been amended similarly to claim 1 to incorporate the subject matter of claim 31. Claims 12, 21, and 28 are therefore allowable for at least the same reasons as claim 1 above.

Claims 13-20, 22-27, and 30, 32, and 33 are allowable for at least variously depending on allowable claims 12, 21, and 28, respectively.


In addition, regarding claim 29, Gusler does not disclose or suggest a “plurality of pattern recognition techniques operating in parallel.” As noted above, the Office Action failed to provide any details of aligning claim 29 with Gusler. Nonetheless, Gusler teaches the tracking of contact patterns by the transcript analysis device (Gusler, paragraph 72). Contact patterns are determined by examining stored transcripts (Gusler, paragraphs 71-72). The transcript analysis device of Gusler also performs word and phrase matching on transcripts (Gusler, paragraph 73). Gusler, however, fails to teach or fairly suggest that word and phrase matching can be performed in parallel with the tracking of contact patterns. Hence, Gusler fails to teach or suggest “a plurality of pattern recognition techniques operating in parallel.” Therefore, claim 29 is allowable over Gusler.

Conclusion

All of the stated grounds of rejection have been properly traversed. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Dated: June 20, 2008

Respectfully submitted,

By 

Michael A. Sartori, Ph.D.

Registration No.: 41,289

VENABLE LLP

P.O. Box 34385

Washington, DC 20043-9998

(202) 344-4000

(202) 344-8300 (Fax)

Attorney/Agent For Applicant